

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re:	:	
	:	Case No.: 18-10217
Richard Cressman	:	Chapter 13
	:	Judge Ashely M. Chan
Debtor(s)	:	*****
	:	
Wells Fargo Bank, N.A.	:	Date and Time of Hearing
	:	Place of Hearing
vs	:	September 25, 2018 at 11:00 a.m.
	:	
Richard Cressman	:	U.S. Bankruptcy Court
Phyllis A. Cressman	:	900 Market Street, Courtroom #5
	:	Philadelphia, PA, 19107
William C. Miller	:	
Respondents.	:	Related Document # 36

**STIPULATION FOR SETTLEMENT OF MOTION FOR RELIEF FROM AUTOMATIC
STAY AND CO-DEBTOR STAY AS TO REAL PROPERTY LOCATED AT
1400 FELS RD, QUAKERTOWN, PA 18951**

This matter coming to be heard on the *Motion for Relief from Stay and Co-Debtor Stay* (Dkt. #36) which was filed in this court by Wells Fargo Bank, N.A. ("Movant"), Movant and Richard Cressman ("Debtor"), by and through their attorneys have agreed to a course of action which will condition the continuation of the automatic stay upon certain provisions incorporated herein for the protection of Movant;

As of the date of bankruptcy filing on January 12, 2018, Debtor failed to make regular monthly mortgage payments to Movant and is currently in default for the months of January 2018 through August 2018, incurring a total post-petition arrearage of \$12,371.68, which consists of 8 post-petition payments for January 15, 2018 through August 15, 2018 at \$1,546.46 each.

IT IS HEREBY ORDERED:

1. On or before the date of Court entry of the order approving this stipulation, Debtor shall remit to Movant funds in the amount of \$3,092.92 reducing the arrearage to \$9,278.76.
2. Debtor will amend the Chapter 13 Plan within 30 days of Court entry of the order approving this stipulation to accommodate payment of the remaining post-petition arrearage outlined above through the Chapter 13 Plan.
3. In order to eliminate the remaining post petition delinquency, the Movant is permitted to file a Supplemental Proof of Claim in the amount of \$9,278.76 representing the remaining arrearage.

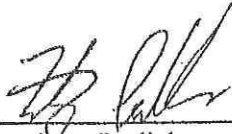
4. The Debtor hereby agrees to resume monthly mortgage payments outside the Plan directly to Movant for the September 15, 2018 regular monthly mortgage payment and to make all further payments in a timely fashion.
5. That Movant must receive the payment listed above on or before the corresponding date. If Movant fails to receive the scheduled payment, the repayment schedule is void if the Debtor fails to bring the loan post-petition current within ten (10) calendar days after mailing notification to the Debtor and his/her attorney. The stay shall be automatically terminated as to Movant, its principals, agents, successors and/or assigns as to the subject property, upon filing certification of default with the clerk of the court.
6. If Movant fails to receive two (2) post-petition monthly mortgage payments and if the Debtor fails to bring the loan post-petition current within ten (10) calendar days after Movant mailed notification to the Debtor and his/her attorney, the stay shall be automatically terminated as to Movant, its principals, agents, successors and/or assigns as to the subject property, upon filing certification of default with the clerk of the court.
7. If the Chapter 13 Trustee fails to receive two monthly plan payments and if the Debtor fails to bring his/her plan current within ten (10) calendar days after Movant mailed notification to the Debtor and his/her attorney, the stay shall be automatically terminated as to Movant, its principals, agents, successors and/or assigns as to the subject property, upon filing certification of default with the clerk of the court.
8. This Stipulation remains in full force and effect in the event Debtor's case is dismissed by the Court and Debtor subsequently reinstates his case by order of the Court and/or the Movant obtains relief from stay and the stay is subsequently reinstated by order of the Court.
9. If this bankruptcy proceeding is converted to Chapter 7, dismissed or discharged, this Order shall be terminated and have no further force or effect.

MANLEY DEAS KOCHALSKI LLC

Dated: 8/22/18

BY: K. Velter
Karina Velter (94781)
Manley Deas Kochalski LLC
P.O. Box 165028
Columbus, OH 43216-5028
614-220-5611; Fax 614-627-8181
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Attorney for Creditor

Dated: 8/22/18

BY: 
Zachary Perlick
1420 Walnut Street
Suite 718
Philadelphia, PA 19102
Telephone: 215-569-2922
Email: Perlick@verizon.net
Attorney for Debtor

I do not object to the foregoing Stipulation


JACK William C. Miller
Chapter 13 Trustee
P.O. Box 1229
Philadelphia, PA 19105
Email: ecfemails@ph13trustee.com
no objection

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:

Richard Cressman

Debtor(s)

Wells Fargo Bank, N.A.

VS

Richard Cressman
Phyllis A. Cressman

William C. Miller

Respondents.

: Case No.: 18-10217
 : Chapter 13
 : Judge Ashely M. Chan
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 : Date and Time of Hearing
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 : U.S. Bankruptcy Court
 : 900 Market Street, Courtroom #5
 : Philadelphia, PA, 19107
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ORDER OF COURT

AND NOW, to wit, this 27th day of August, 2018, upon consideration of the foregoing Stipulation for Settlement of Movant's Motion for Relief from the Automatic Stay, it is hereby **ORDERED, ADJUDGED AND DECREED** that:

1. The terms of the foregoing Stipulation are hereby approved in their entirety and incorporated herein as part of this Order.
2. Pursuant to the Stipulation, Movant is entitled to relief from the automatic stay upon default of Debtor, subject to the terms of the Stipulation.

By the Court:

Ashley

ASHELY M. CHAN, JUDGE
UNITED STATES BANKRUPTCY COURT

CC:

Karina Velter, Attorney for Creditor, Manley Deas Kochalski LLC, P.O. Box 165028,
Columbus, OH 43216-5028 (notified by ecf)

United States Trustee, Office of the U.S. Trustee, 833 Chestnut Street, Suite 500,
Philadelphia, PA 19107 (notified by ecf)

William C. Miller, Chapter 13 Trustee, P.O. Box 1229, Philadelphia, PA 19105 (notified by ecf)

Zachary Perlick, Attorney for Debtor and/or Co-Debtor, 1420 Walnut Street, Suite 718, Philadelphia, PA 19102 (notified by ecf)

Richard Cressman and Phyllis A. Cressman, Debtor and/or Co-Debtor, 1400 Fels Road, Quakertown, PA 18951 (notified by regular US Mail)

Wells Fargo Home Mortgage, Party of Interest, PO Box 10335, Des Moines, IA 50306 (notified by regular US Mail)